



General Assembly

February Session, 2004

***Raised Bill No. 5439***

LCO No. 1504

\* \_\_\_\_\_HB05439JUD\_\_030904\_\_\_\_\_\*

Referred to Committee on Judiciary

Introduced by:  
(JUD)

***AN ACT CONCERNING THE CHIEF STATE'S ATTORNEY.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1       Section 1. Subsection (d) of section 51-277 of the general statutes is  
2       repealed and the following is substituted in lieu thereof (*Effective*  
3       *October 1, 2004*):

4       (d) (1) The Chief State's Attorney and each deputy chief state's  
5       attorney may sign any warrants, information, applications for grand  
6       jury investigations and applications for extradition. [; and (1) upon  
7       application made by a state's attorney, and for good cause shown, after  
8       showing no other state's attorney is available, the Chief State's  
9       Attorney may be appointed by the Criminal Justice Commission to  
10      represent the state in criminal trials in lieu of any state's attorney,  
11      assistant state's attorney or deputy assistant state's attorney in any  
12      judicial district, and (2) whenever the interest of the state will be  
13      furthered by so doing, the]

14      (2) The Chief State's Attorney may, with the prior consent of the  
15      state's attorney for the judicial district, appear in court to represent the  
16      state.

17       (3) The Chief State's Attorney may represent the state in lieu of a  
18 state's attorney for a judicial district in any investigation, criminal  
19 action or proceeding if the Chief State's Attorney finds by clear and  
20 convincing evidence, misconduct, conflict of interest or malfeasance of  
21 a state's attorney, provided, upon request of such state's attorney, the  
22 Criminal Justice Commission, pursuant to regulations adopted in  
23 accordance with chapter 54, and after notice and hearing and good  
24 cause shown, may designate such state's attorney to represent the state  
25 in such investigation, criminal action or proceeding. In any case where  
26 the Chief State's Attorney indicates his intent to represent the state in  
27 lieu of a state's attorney under this [subsection] subdivision, and such  
28 state's attorney objects to such representation, upon the request of such  
29 state's attorney the Chief State's Attorney and the state's attorney shall  
30 each prepare a written statement of their claims relative to such  
31 representation. Both statements shall be submitted to the commission  
32 to be considered by it at such hearing and shall become a permanent  
33 record which may be reviewed by the commission and used at the  
34 time of reappointment of the Chief State's Attorney or such state's  
35 attorney.

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| This act shall take effect as follows: |                        |
| Section 1                              | <i>October 1, 2004</i> |

***JUD***       *Joint Favorable*